

**DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Thursday, December 8, 2005**

Members Present:

John Davis, DDS, JD
Russell Timms, DDS, Chair
Abdul Alkezweeny, PhD, Public Member
Mark Koday, DDS, Vice-Chair
Marshall H. Titus, DDS
Karen Homitz, DDS
Padmaraj Angolkar, DDS

Bernie Nelson, Public Member
Jessica Saepoff, DDS
Fred Quarnstrom, DDS
Robin Reinke, DDS
Pramod K. Sinha, DDS
Lorin Peterson, DDS

Staff Present:

Lisa Anderson, Health Services Consultant 3
Sandra Adix, AAG
Peter Harris, Staff Attorney
Kim Dinsmore, Administrative Assistant

Kirby Putscher, Deputy Exec. Director HPS3
Elyette Weinstein, Staff Attorney
Josh Shipe, Health Services Consultant 3
Mickey Wardell, Health Services Consultant 1

Others Present:

David Hemion, WSDA
Lynnette Davis, Esq. – DSHS
Melissa Johnson, WSDHA
Ann Clifton, Mercury Awareness Team
Bryan Edgar, DDS, WSDA
Susan Hollingworth, DDS, WSDA

John Versnell, Attorney
Peter Milgrom, DDS
Larry R. Lawton, DDS, WSDA
Mary Ann Newell, Mercury Awareness Team
Mike Aslow, DDS, WSDA

OPEN SESSION

1. **CALL TO ORDER-** Russell B. Timms, DDS, Chair called meeting to order at 7:10 p.m.
 - 1.1. Introduction of Audience - the audience introduced themselves.
 - 1.2. Approval of Agenda – The agenda was approved as presented.
 - 1.3. Approval of the November 3, 2005 business meeting minutes, & November 4, 2005 Panel A & B minutes – The minutes were approved as presented.
 - 1.4. Approval of October 31, 2005 through November 4, 2005 disciplinary hearing minutes. – The minutes were approved as presented.
 - 1.5. Approval of November 4, 2005 through November 5, 2005 disciplinary hearing minutes. – The minutes were approved as presented.
 - 1.6. Approval of November 18, 2005 conference call meeting minutes. – The minutes were approved as presented.
2. **PRESENTATIONS**
 - 2.1. Joseli Alves-Dunkerson, DDS, MPH, MBA and Divesh Byrappagari, BDS, MSD with the Department of Health Oral Health program. Ms. Alves-Dunkerson and Mr. Byrappagari were unable to attend.
 - 2.2. Laurie Jenkins, Assistant Secretary, Health Systems Quality Assurance will present to the Commission regarding the October 6, 2005 letter from Mary C. Selecky, Secretary, Department of Health about improving patient safety.

Data on recidivism has been gathered for the first time indicating that 1 out of 5 providers are repeat offenders. By next year there will be over 300,000 health care practitioners in Washington State. Licensing has increase by 36%, complaints by 80%, and staff has increased only 13%.

There was a legislative hearing held on December 2, 2005 to discuss the HPQA disciplinary process. HSQA/HPQA management has been reviewing and discussing various topics for consideration. One suggestion is to increase the number of public members on each Board or Commission. This would eliminate the perception that the practitioners on the Board or Commission protect their own. Second is to allow investigators to gather evidence as soon as possible. Evidence is occasionally unattainable due to lengths of time from the time of the incident and actual contact. And, third is to provide a clearer more defensible denial of licensure process.

Dr. Davis indicated concerns in the compliance process. Ms. Weinstein recommended the Commission to review this process at a future meeting. Ms. Jenkins recommended that the Commission adopt rules regarding sexual misconduct and told the commission that

the department was working on draft rules for secretary professions and that that model will be shared with the boards and commissions when it is available..

- 2.3. Presentation – Consumers for Dental Choice Pacific NW, Mercury Awareness Team of Washington – Letter dated November 18, 2005 from Lisa Anderson to Mary Ann Newell, Consumers for Dental Choice, advising her of the Commission’s response to the petition presented to the DQAC on November 3, 2005.

The Commission approved a 15 minute presentation. Ms. Newell re-read the petition presented at the November 3, 2005 meeting. Ms. Newell had objections to the approved November 3, 2005 minutes regarding the Commission discussion of the petition in executive session instead of in the open public meeting. Consumers for Dental Choice will provide the Commission with a copy of their letter to the legislature. Mr. Nelson wanted to be sure every Commission member received a copy of the presentation. Several members discussed the events of November 3, the receipt of legal advice in closed session and the return to open session.

Dr. Peterson confirmed that the Commission did in fact meet the parameters of executive session, the Commission did not make any decision in executive session, but only received legal advice. Ms. Newell still wants further discussions regarding future open public meetings.

- 2.4 Copy of the Petition from Consumers for Dental Choice presented to the DQAC on November 3, 2005.
- 2.5. Copies of e-mails (3) from Charlie Brown, National Counsel for Consumers for Dental Choice, dated November 17 and November 21, 2005 regarding inaction by the DQAC regarding the Petition presented by the Consumers for Dental Choice.

3. PROGRAM REPORT, EXECUTIVE DIRECTOR, ASSISTANT ATTORNEY GENERAL, STAFF ATTORNEY, INVESTIGATORS – Joy King, Executive Director, Lisa Anderson, Health Services Consultant, Josh Shipe, Disciplinary Manger, Sandra Adix, AAG, Staff Attorney, Investigators

- 3.1. Dental Hygiene statistical information by county and gender. This information was provided to the Commission.
- 3.2. Dental statistical information by county and gender. This information was provided to the Commission
- 3.3. Status of request to amend infection control inspection report form. Mr. Magby and Mr. Painter confirmed that the inspection report has been modified.
- 3.4. November 17, 2005 letter from Mary C. Selecky, Secretary to the Boards/Commissions/Committees regarding sexual misconduct and request to adopt rules.

- 3.5. Copy of draft rules WAC 246-919-630 Sexual Misconduct from the Medical Quality Assurance Commission. MQAC adopted these rules at a November 18, 2005 rules hearing.
- 3.6. The News Tribune article regarding MQAC's sexual misconduct rule.
- 3.7. Licensing Manager report – Under 3.11 the licensing manager asked for authority to approved standard applications for licensure. The Commission approved signature authority for the licensing manager and updated and signed its official delegation document.
- 3.8. Disciplinary Manager report – The current process is working and there is no outstanding issues.
- 3.9. Program Manager report
 - 3.9.1 The October 2005 interim operating report was provided to the Commission.
- 3.10. 2006 Legislative Session – Contacts for review of legislation - Dr. Timms, Dr. Koday, Dr. Reinke, and Dr. Davis will all be available to assist during the legislative session.
- 3.11 Dental Quality Assurance Commission request to delegate to licensing manager: See above item 3.7.

4. RULES WAC 246-817 UPDATE

- 4.1. Dental continuing education amendment (WAC 246-817-440), filing scheduled for November 23, 2005 - A formal rules hearing is scheduled for February 3, 2006.
- 4.2. Dental Anesthesia Committee = DAC* (WAC 246-817-700's)
- 4.3. Dental Residents SHB 1689 Post Graduate Year 1 – Dr. Koday will be submitting a grant application with the Health Care Authority for a NW dental residency program. The commission approved a subcommittee to made up of Dr. Davis, Dr. Titus, Dr. Timms to develop supervision guidelines for the residency programs. Dr. Koday will participate as a technical advisor only.
- 4.4. Dental License without Examinations (WAC 246-817-130, 135, 140)
- 4.5. Delegation of duties rules(WAC 246-817-500's), 2003 legislation regarding antimicrobials
- 4.6. Dental Licensure related rules SB 5966 – David Hemion indicated that the WSDA may introduce legislation that would grandfather those persons licensed prior to the requirement to pass the National Boards Parts I and II..

5. AMERICAN DENTAL ASSOCIATION (ADA); AMERICAN ASSOCIATION OF DENTAL EXAMINERS (AADE); AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS (AADA); THE DENTAL ASSISTING NATIONAL BOARD, INC (DANB)

- 5.1. November 3, 2005 letter from American Dental Association regarding vacancies on National Board Test Construction Committees.
- 5.2. November 2, 2005 letter from American Dental Association regarding full time practitioner vacancies on National Board Dental Test Construction Committees in 2007.
- 5.3. November 3, 2005 letter from American Dental Association regarding vacancies on National Board Dental Hygiene Test Construction Committees in 2007.

- 5.4. November 3, 2005 letter from American Dental Association regarding vacancies on National Board Dental Hygiene Test Construction Committees in 2007.
- 5.5. Letter dated November 5, 2005 from the American Dental Association announcing the availability of the 2004 Survey of Legal Provisions for Delegating Intraoral Functions to Dental Assistants and Dental Hygienists.
- 5.6. Letter dated November 14, 2005 from the American Association of Dental Examiners (AADE) regarding the 2006 AADE Mid-Year Meeting, Forum on Examinations and Open Forum for Educators scheduled for March 19-21, 2006 in Chicago, Illinois. (The Joint Commission will fund one current member to attend the meeting of the Advisory Forum.)
- 5.7. American Association of Dental Examiners "The Bulletin", - Fall 2005

6. WESTERN REGIONAL EXAM BOARD (WREB)

- 6.1. November 8, 2005 letter from WREB regarding ADEX Contract interpretation.
- 6.2. November 4, 2005 letter from WREB regarding concern for public protection.
- 6.3. Letter dated November 22, 2005 from the Western Regional Examining Board (WREB), regarding possible WREB name change and wanting to know how it will impact rules, statutes, legislation, etc. in the WREB member states. A response is requested by December 16, 2005.

7. CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)

- 7.1. Status of CRDTS contract renewal. Letter dated November 28, 2005 from Goodell, Stratton, Edmonds, and Palmer with copies of proposed Membership Agreement with the Central Regional Dental Testing Service. The current CRDTS contract expires on December 31, 2005 and this contract, if approved, will extend membership through December 31, 2010. The Commission adopted the same contract as amended.

8. STAFF/COMMISSION MEMBER REPORTS

- 8.1. Robin Reinke, DDS presentation to Pierce County Dental Society.
- 8.2. Lisa Anderson panel presentation to Snohomish High School class.
- 8.3. Bernie Nelson – 2005 Washington Legislation Health Conference. Mr. Nelson was unable to attend but Dr. Davis did attend.
- 8.4. Fred Quarnstrom, DDS – December 2, 2005 Legislative Hearing.

9. CORRESPONDENCE

- 9.1. November 18, 2005 letter to Mary Ann Newell, Consumers for Dental Choice from Lisa Anderson, Program Manager regarding the presentation/petition received at the November 3, 2005 meeting.
- 9.2. November 1, 2005 letter from Mara Erickson, RDH regarding dental hygienist supervision during nitrous oxide and anesthesia administration. – Ms. Anderson will send a response letter with a copy of the interpretive statement currently effective.

10. CONSENT AGENDA

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the agenda and placed on the regular business agenda.

10.1. Newsletters / Articles – the listed items were provided to the commission members.

10.1.1. Tennessee Board of Dentistry Newsletter Summer 2005

10.1.2. The Sentinel November 2005

11. POLICIES/ INTERPRETIVE STATEMENTS, OPINIONS

Any interpretive statement issued by the Commission is advisory and intended for the guidance of the requesting parties only. The interpretive statement is not legally binding and does not have the force and effect of a duly promulgated regulation or declaratory ruling by the Commission.

CLOSED SESSION

12. EXECUTIVE SESSION

The term “executive session” is commonly understood to mean that part of a regular or special meeting of the governing body that is closed to the public. A governing body may hold an executive session only for specified purposes, which are identified in RCW 42.30.220(1)(a-k), and only during a regular or special meeting.

The Commission may go into executive session to discuss issues that are appropriate to be handled in closed session such as personnel issues or to obtain legal advice related to potential litigation.

13. FUTURE COMMISSION BUSINESS

The next DQAC meeting is scheduled to be held February 2, 2006 at the Department of Health in Tumwater.

14. BUSINESS MEETING ADJOURNMENT

The business meeting adjourned at 10:15 pm. The Commission will begin Disciplinary panel business at 9:00 a.m. on Friday, December 9, 2005.

Respectfully Submitted By:

Jennifer Bressi, Health Service Consultant 1

Commission Approval By:

Russell Timms, DDS, Chair